LCS Final Rule: Questions and Answers

1. Q. What action is the U.S. Fish and Wildlife Service (Service) taking?

A. The Service is designating live reticulated pythons (*Python reticulatus*), green anacondas (*Eunectes murinus*), Beni anacondas (*Eunectes beniensis*), and DeSchauensee's anacondas (*Eunectes deschauenseei*), as injurious wildlife under the Lacey Act (18 U.S.C. 42, as amended). This action will prohibit the importation and interstate transport of four more of the nine species of nonnative constrictor snakes proposed as injurious by the U.S. Fish and Wildlife Service in 2010.

2. Q: What does this injurious wildlife listing under the Lacey Act mean to the public?

A: Under the Lacey Act, a species of wildlife can be listed as injurious because it has been demonstrated to be harmful or have the potential to be harmful to either the health and welfare of humans, the interests of forestry, agriculture, or horticulture, or the welfare and survival of wildlife or the resources that wildlife depend upon. To control the introduction and spread of an injurious species, the listing of the species as "injurious" under the Lacey Act means that its importation and interstate transport are prohibited without a permit issued by the Service. This prohibition includes importation or interstate transport of live animals, their gametes, hybrids, and viable eggs. Injurious species may not be transported into or through U.S. territories or states. Permits may be granted for the importation or transportation of live specimens of injurious wildlife for scientific, medical, educational, or zoological purposes. The Lacey Act does not have provisions for the transport of personal pets. The Lacey Act does not restrict intrastate (within state) transport.

3. Q: How was the public included in this decision?

A: The Service provided ample notice and opportunity to comment on the proposed action. The public has known since January 2008 that the Service was considering listing these species as injurious. The Service provided a total of 210 days for receiving public information and comments, and we participated in several meetings with stakeholders. The Service believes it has made a good faith effort to gather information and comments from the public.

4. Q: When will the rule take effect?

A: The rule will take effect 30 days after the publication date in the Federal Register.

5. Q: Why is the Service taking this action now?

A: We proposed to list these species as injurious in 2010. We opted to offer the public the opportunity to provide new information and comments by opening a 30-day public comment period in June 2014. After reviewing the public comments, we prepared the final rule and are now publishing it.

6. Q: How was science involved in the Service's decision?

A: The regulatory process to list the four species in this final rule was guided by scientists. The Service received peer-reviewed scientific documentation (biological profiles on each snake and an establishment risk assessment) from a separate federal agency, the U.S. Geological Survey. The Service also received comments from five independent peer reviewers on the proposed rule and supporting documents.

The Service evaluated two sets of scientific data. First, the agency evaluated the factors that contribute to a species being considered injurious, including:

- Likelihood of release or escape.
- Potential to survive, become established, and spread.
- Impacts on wildlife resources and/or ecosystems through hybridization and competition for food/habitats, habitat degradation/destruction, predation, and pathogen transfer.
- Impact to threatened and endangered species and their habitats.
- Impacts to human beings, forestry, horticulture, and agriculture.
- Wildlife or habitat damages that may occur from control measures.

Second, the Service evaluated factors that reduce the likelihood of the invasive species causing harm, including the:

- Ability to prevent escape and establishment.
- Potential to eradicate or manage established populations.
- Ability to rehabilitate disturbed ecosystems.
- Ability to prevent or control the spread of pathogens or parasites.
- Any potential ecological benefits to introduction.

7. Q: The boa constrictor is the only one of the nine species the Service initially proposed to list as injurious wildlife that was withdrawn from consideration. Why?

A: The regulatory prohibitions of the Lacey Act (limited to importation and interstate transport) are less effective when a species, such as the boa constrictor, is widely held in captivity in the United States in high numbers (both the number of animals and number of people owning the animals) and when significant domestic breeding of such animals is occurring and would likely continue for intrastate trade or export purposes. Domestic breeding, whether for intrastate trade or export, of widely owned species increases the probability of escape, survival, and establishment of the listed species in the United

DRAFT

States. Under these unique circumstances, the benefit of an injurious wildlife listing is likely to be limited without concurrent state regulatory action, particularly in areas of the country where the risk of establishment is the highest.

The Service is giving states the opportunity to demonstrate the efficacy of coordinated, state-based measures to address the invasive nature of boa constrictors, including promulgating their own laws regarding the species. We are also providing the pet trade industry with the opportunity to act voluntarily within its own industry and in cooperation with the states, the Service, and others to address prevention and containment of the boa constrictor as an alternative to Federal Lacey Act restrictions. Please see the section "Withdrawal of the Boa Constrictor from Consideration as an Injurious Species" in the final rule for a complete explanation of why the boa was not listed.

8. Q: To what extent are constrictor snakes threatening populations of species listed as endangered or threatened?

A: Based upon what we know of the diet of Burmese pythons in their native ranges and in Florida, and the four large constrictor snakes that are being added to the injurious list at this time (snakes that share the same traits), we find that federally protected species, such as the endangered Cape Sable seaside sparrow, the endangered Florida panther and the endangered American crocodile are at risk of predation by these constrictors. Forty-one federally and state-listed threatened or endangered species are at risk from large constrictors in Florida alone. Additional federal and state-listed species are at risk in Hawaii, Puerto Rico, Texas and other areas of the United States from these four species. Burmese pythons are linked to declines of up to 99 percent of populations of small- and medium-sized mammals as in Everglades National Park.

9. Q: Is it possible that listing these snakes is too little, too late?

A: Of the four large constrictor snakes included in this final rule, none is currently confirmed breeding in the wild in the United States or its territories. The purpose of this final rule is to prevent these species from establishing populations in the wild. The South Florida Water Management District petitioned us to list the Burmese python in 2006 because the species was undermining their Everglades restoration effort, and we finalized the listing of that species as injurious in 2012. The four species finalized in this rule share many of the traits of the Burmese python that create the risk of injuriousness. We agree that, if we had listed the species 20 years ago, the current problem might have been averted. This evidence gives further support to list the four species of large constrictor snakes in this final rule before this situation happens with these species.

DRAFT

10. Q: Two of the large constrictor snakes the Service is listing as injurious have been in the United States for decades. If they're so mobile and adaptable, why haven't they already spread farther north?

A: The propensity of a species to become invasive and to damage the environment, human health, or economic interests of United States citizens depends on a complex set of factors, including the rate at which it can reproduce, the number of years an adult may continue to reproduce, its ability to move and disperse, whether or not the ecosystem invaded contains natural predators or disease or sufficient food, shelter, water and space to support the new species.

Federal and state fish and wildlife managers and scientists have noted it may take an introduced population of a non-native species several decades to reach a point at which its population will suddenly and dramatically increase. Without importation and interstate prohibitions, the Burmese pythons took several decades after they were introduced into the wild before their populations grew enough to garner attention. The populations of reticulated pythons and green anacondas in captivity in the United States are currently smaller than that of the Burmese pythons, and therefore, the new regulation should keep their populations from establishing. Large constrictor snakes have demonstrated they are highly adaptable to new environments, consuming any prey available, and they are observed to efficiently use habitats available to them in their existing U.S. locations.

11. Q: In making the determination of the four species as injurious, how much consideration did the U.S. Fish and Wildlife Service give to climate change and its potential to increase the geographic range of habitat that can support populations of these snakes?

A: Our final rule is based on current climate conditions.

12. Q: Are any of these snakes a threat to humans?

A: Human fatalities from nonvenomous snakes in the wild are rare, and we know of none in the United States.

13. Q: Will the pet industry lose revenue and jobs as a result of this rule?

A: Businesses that deal with the green anaconda and reticulated python will still be able to operate, provided they either sell within their state or have a port of export directly from their state. The Beni and DeSchauensee's anacondas are not currently in U.S. trade, and the rule should not have any effect on the industry. Businesses may switch to breed and sell other species of snakes that are not listed.

DRAFT

The Service prepared an economic analysis for the effects of listing the reticulated python, green anaconda, Beni anaconda, DeSchauensee's anaconda, and boa constrictor, including a cost-benefit analysis. The annual retail value losses as a result of this rule are estimated to range from $1.9 million to $4.1 million. This assumes that buyers and breeders do not substitute with an unlisted species of snake or other reptile. Our final economic analysis is posted at: LINK TO COME. The Service emphasizes that it will be lawful for pet owners to keep their pets (if allowed by state law), but unlawful to transport them across state lines. Breeders who specialize in breeding only the species listed by this rule as injurious and who sell mainly or entirely out of state or out of the country will be affected. However, those breeders who live in states with designated ports (Alaska, California, Florida, Georgia, Hawaii, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, Oregon, Tennessee, Texas, and Washington) may continue to export from the United States through the designated port in their state, although they may not continue to ship to other states. Limited other ports may be available if a designated port exception permit is obtained from the Service. For more information on exporting, please see http://www.fws.gov/le/injurious-wildlife.html.

14. Q: How many other species of constrictor snakes are available to the pet industry to sell?

A: There are more than 25 other species of constrictor snakes in the pet trade that are not regulated as injurious wildlife. For example, the amethystine python and scrub python are giant constrictors and are not listed as injurious.

15. Q: When the injurious listing of the large constrictors takes effect, can people buy these snakes at reptile expos?

A: The Service does not regulate activities within a state, only activities that result in live, listed species crossing state lines or being imported into the country. If the buyer or the seller transports a live snake across state lines, a violation of the injurious wildlife provisions of the Lacey Act would have occurred unless the Service has issued a permit authorizing the transport. If you anticipate needing to transport your snake across a state line for zoological, educational, medical (does not include veterinary), or scientific purposes, you should apply for a permit from the U.S. Fish and Wildlife Service as soon as possible to allow up to 60 days for processing. Permits for scientific, medical, educational, or zoological purposes may be requested by filing form 3-200-42 with the U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS:IA 5275 Leesburg Pike Falls Church, VA 22041-3803. The application form may be obtained through the Service's International Affairs website (http://www.fws.gov/forms/3-200-42.pdf or http://www.fws.gov/permits), or by calling 1-800-358-2104 or 703-358-2104

DRAFT

16. Q: When the injurious listing of the large constrictors takes effect, can people order a snake on the Internet?

A: The sale or purchase of a live snake through the Internet would not be permitted if the snake crosses a state line (including coming from or going to the District of Columbia, Puerto Rico, and the U.S. territories) or is imported.

17. Q: Could this rule result in the abandonment or killing of pet snakes and other reptiles?

A: The Service has been clear that all owners of any of the snakes listed as injurious will be allowed to keep them under this rule. For animals already in the United States, this rule only restricts interstate transportation. It will be lawful for pet owners to keep their pets (if allowed by state law). Therefore, we have no reason to believe that responsible owners will kill or release them into the wild.

If you are in a position where you must give up your pet constrictor snake that is listed as injurious, and zoos and humane societies have declined your efforts to donate the animal, you should contact either your state fish and wildlife agency or your local U.S. Fish and Wildlife Service office. These two government agencies are the legal authorities that co-manage fish and wildlife in this country, and they can help you to resolve this issue. The Service is working with states and the pet and aquarium industry through a campaign called "Habitattitude™" to help pet owners adopt environmentally responsible actions for surrendering their pets.

18. Q: Why shouldn't people release their pet constrictors into the wild? Aren't they part of nature?

A: Releasing large snakes into areas where they are not native causes an imbalance in the food chain, among other serious ecological problems. Species native to the United States have not evolved behaviors or other defenses to protect themselves against these large predators, because there is no native predator similar to these snakes in the United States. Compared to such predators as native snakes, all four species of large constrictors being listed as injurious with this rule can attain much greater sizes.

A large python can even kill an adult alligator. Pythons and anacondas attain lengths 20 feet or more. Many of our endangered and threatened species would be further imperiled and risk extinction if these species of snakes become established.

Furthermore, releasing reptiles from captivity into the wild is illegal in most, if not all, states. Thus, people who have good intentions of being kind to their snakes should seek alternatives.

DRAFT

19. Q: When the injurious listing of the large constrictors takes effect, can people hunt or shoot these snakes?

A: The Service manages hunting of wildlife species only on National Wildlife Refuges, and currently, the recreational hunting of virtually all reptiles, native and nonnative, on National Wildlife Refuges is prohibited. For more information, go to: http://www.fws.gov/refuges/hunting/.

State departments of natural resources or fish and game agencies have primary authority over hunting, outside federal lands, and they develop and enforce laws and restrictions for hunting wildlife within their borders. For more information about hunting nonnative snakes, contact the state agency responsible for wildlife management in the relevant state.

20. Q: What do owners of these four snakes need to know about the new regulation?

A: If you own any of the four snakes the Service is listing as injurious, there is no need to do anything regarding this listing, depending on laws in your state. The new listing does not affect ownership of these snakes, as long as the snakes remain within the state where they currently reside, even after the rule takes effect. If you anticipate needing to transport your snake across a state line for zoological, educational, medical (does not include veterinary), or scientific purposes, you should apply for a permit from the U.S. Fish and Wildlife Service as soon as possible to allow up to 60 days for processing. (See answer to Question 16.)

21. Q: How can a person obtain a permit to move an injurious species across state lines or import one into the country?

A: See answer to Question 16. .

22. Q: My veterinarian is in another state. May I take my listed snake to the veterinarian?

A: No, transporting out of state to take the animal to a veterinarian will be prohibited. The snakes will have to be treated by an in-state professional. We recommend looking for an in-state professional before the rule takes effect.

23. Q: I do educational programs with species listed as injurious for schools, scouts, and other groups, sometimes in another state. Will I still be able to travel to other states?

DRAFT

A: After the rule takes effect, you will need a permit for educational purposes if the program is in another state. We suggest that you plan ahead and apply for a federal permit with the Service as soon as you know you'll need it, even if it is before the rule takes effect (to allow time for the application to be processed). (See answer to Question 16.)

24. Q: Where can I find more information on what a snake owner can do if he or she has to move across state lines and must surrender his or her pet snake?

A: An owner of one of the listed species of snake should contact local authorities responsible for the disposition of unwanted pets. Additional information about the safe and ethical surrender of unwanted exotic pets may be available through the state's natural resources or fish and game agency in which the pet resides. The local office of the U.S. Fish and Wildlife Service can also provide additional information; the Service website, http://www.fws.gov, can help snake owners find their local Service office. In addition, pet owners may ask their local pet retailer or wild animal zoo for suggestions on ethical alternatives. Here are some additional websites that might be of assistance:

- Pet Industry Joint Advisory Council's Pet Pathway Toolkit: http://www.petpathwaytoolkit.com/
- Habitattitude (this national campaign is being revised to include reptiles): http://www.habitattitude.net/

Florida Fish and Wildlife Conservation Commission's Nonnative Amnesty Day Events: http://myfwc.com/wildlifehabitats/nonnatives/amnesty-day-events

For more information write to or call:

U.S. Fish and Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

772-562-3909 ext. 256

DRAFT